FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

1. CAF No. 1808/05 in FA 184/05
2. CAF No. 1810/05 in FA 186/05,
3. CAF No. 1811/05 in FA 187/05,
4. CAF No. 1813/05 in FA 189/05,
5. CAF No. 1814/05 in FA 190/05,
6. CAF No. 1817/05 in FA 193/05,
7. CAF No. 1818/05 in FA 194/05,
8. CAF No. 1819/05 in FA 195/05,
9. CAF No. 1821/05 in FA 197/05,
10. CAF No. 1827/05 in FA 203/05
11 CAF No. 1828/05 in FA 204/05,
12 CAF No. 1830/05 in FA 206/05,
13 CAF No. 1832/05 in FA 208/05,
14 CAF No. 1833/05 in FA 209/05,
15 CAF No. 1834/05 in FA 210/05,
16 CAF No. 1835/05 in FA 211/05,
17 CAF No. 1836/05 in FA 212/05,
18 CAF No. 1837/05 in FA 213/05,
19 CAF No. 1838/05 in FA 214/05,
20 CAF No. 1839/05 in FA 215/05,
21 CAF No. 1840/05 in FA 216/05,
22 CAF No. 1843/05 in FA 219/05,
23 CAF No. 1844/05 in FA 220/05,
24 CAF No. 1847/05 in FA 223/05
25 CAF No. 1848/05 in FA 224/05,
26 CAF No. 1849/05 in FA 225/05,
27 CAF No. 1850/05 in FA 226/05,
28 CAF No. 1851/05 in FA 227/05,
29 CAF No. 1852/05 in FA 228/05,
30 CAF No. 1854/05 in FA 230/05,
31 CAF No. 1855/05 in FA 231/05,
32 CAF No. 1856/05 in FA 232/05,
33 CAF No. 1857/05 in FA 233/05,
34 CAF No. 1858/05 in FA 234/05,
35 CAF No. 1859/05 in FA 235/05,

| Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
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Mr.S.M.Gorwadkar, for the applicants.
Shri K.K.Tated, AGP for the respondents

CORAM: S.B.MHASE & D.B.BHOSALE,JJ.
DATED: 27th April, 2005.

**P.C.**:

1. Heard both sides.

2. These are the civil applications for withdrawal of the decreetal amounts deposited by the respondents-Government as per the directions of this Court. These are enhanced compensation amounts in the land reference proceedings as the lands of the applicants have been acquired for public purpose.

3. The learned counsel for the applicants submitted that the total amounts be released in favour of the applicants. They ultimately submitted that they are ready to give Bank Guarantee to the extent of 50 percent amount and 50 percents amount may be released without Bank Guarantee.

4. Mr Tated, learned AGP, submitted that the amounts may not be released. He submitted that the reference court has exorbitantly enhanced the amounts and, therefore, he opposed for release of the amounts to the extent of 50 percent on Bank

Guarantee and 50 percent without Bank Guarantee.

5. Looking to the controversy in these matters, we find that it will be appropriate to release 25 percent of the decreetal amounts in favour of the applicants in every land reference (individually or jointly) without surety, and remaining 75 percent of the decreetal amounts to be released on Bank Guarantee (individually or jointly). Therefore, we pass the following order.

(i) The Trial Court is hereby directed that the decreetal amounts to the extent of 25 percent only as per the Awards shall be paid without surety to each of the applicants in each of the land reference (individually or jointly). Rest of the decreetal amounts, i.e. 75 percent, be paid to the applicants on their furnishing Bank Guarantee of nationalised Bank (individually or jointly) which will be continously operating till final disposal of the First Appeals.

(iii) These civil applications are, accordingly, disposed of.

(D.B.BHOSALE,J.) (S.B.MHASE, J.)

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